

109TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Homeland Security Act of 2002 to establish the United States  
Emergency Management Authority, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER) introduced the  
following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Homeland Security Act of 2002 to establish  
the United States Emergency Management Authority,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “United States Emer-  
5       gency Management Authority Act of 2006”.

6       **SEC. 2. UNITED STATES EMERGENCY MANAGEMENT AU-**  
7       **THORITY.**

8       Title V of the Homeland Security Act of 2002 (6  
9       U.S.C. 311 et seq.) is amended by—

1 (1) striking the title heading and inserting the  
2 following:

3 **“TITLE V—NATIONAL PRE-**  
4 **PAREDNESS AND RESPONSE”;**

5 (2) striking sections 501 through 503;

6 (3) striking sections 506 and 507;

7 (4) redesignating sections 504, 505, 508, and  
8 509 as sections 519, 520, 521, and 522, respec-  
9 tively;

10 (5) redesignating section 510 (relating to pro-  
11 curement of security countermeasures for the stra-  
12 tegic national stockpile) as section 523;

13 (6) redesignating section 510 (relating to urban  
14 and other high risk area communications capabili-  
15 ties) as section 524; and

16 (7) inserting before section 519, as so redesign-  
17 ated by this section, the following:

18 **“SEC. 501. DEFINITIONS.**

19 “In this title—

20 “(1) the term ‘all-hazards-plus’ means an ap-  
21 proach to preparedness, response, recovery, and  
22 mitigation that emphasizes the development of capa-  
23 bilities that are common to natural and man-made  
24 disasters, while also including the development of ca-

1       pabilities that are uniquely relevant to specific types  
2       of disasters;

3           “(2) the term ‘Authority’ means the United  
4       States Emergency Management Authority estab-  
5       lished under section 502;

6           “(3) the term ‘Administrator’ means the Ad-  
7       ministrator of the Authority;

8           “(4) the term ‘Federal coordinating officer’  
9       means a Federal coordinating officer as described in  
10      section 302 of the Robert T. Stafford Disaster Relief  
11      and Emergency Assistance Act (42 U.S.C. 5143);

12          “(5) the term ‘National Advisory Council’  
13      means the National Advisory Council on Emergency  
14      Preparedness and Response established under sec-  
15      tion 508;

16          “(6) the term ‘National Incident Management  
17      System’ means the National Incident Management  
18      System as described in the National Response Plan;

19          “(7) the term ‘National Response Plan’ means  
20      the National Response Plan prepared under Home-  
21      land Security Presidential Directive 5 or any presi-  
22      dential directive meant to replace or augment that  
23      directive;

24          “(8) the term ‘Nuclear Incident Response  
25      Team’ means a resource that includes—

1           “(A) those entities of the Department of  
2           Energy that perform nuclear or radiological  
3           emergency support functions (including accident  
4           response, search response, advisory, and tech-  
5           nical operations functions), radiation exposure  
6           functions at the medical assistance facility  
7           known as the Radiation Emergency Assistance  
8           Center/Training Site (REAC/TS), radiological  
9           assistance functions, and related functions; and

10           “(B) those entities of the Environmental  
11           Protection Agency that perform such support  
12           functions (including radiological emergency re-  
13           sponse functions) and related functions;

14           “(9) the term ‘Regional Advisory Council’  
15           means a Regional Advisory Council on Preparedness  
16           and Response established under section 503;

17           “(10) the term ‘Regional Administrator’ means  
18           a Regional Administrator for Preparedness and Re-  
19           sponse appointed under section 507;

20           “(11) the term ‘Regional Office’ means a Re-  
21           gional Office established under section 507; and

22           “(12) the term ‘surge capacity’ means the abil-  
23           ity to rapidly and substantially increase the provi-  
24           sion of search and rescue capabilities, food, water,  
25           medicine, shelter and housing, medical care, evacu-



1        tial to saving lives or protecting or preserving prop-  
2        erty or public health and safety in a natural or man-  
3        made disaster;

4            “(4) fuse the Department’s emergency re-  
5        sponse, preparedness, recovery, mitigation, and crit-  
6        ical infrastructure assets into a new, integrated or-  
7        ganization that can effectively confront the chal-  
8        lenges of a natural or man-made disaster;

9            “(5) develop and maintain robust Regional Of-  
10       fices that will work with State and local governments  
11       and emergency response providers to identify and  
12       address regional priorities;

13           “(6) under the leadership of the Secretary, co-  
14       ordinate with the Commandant of the Coast Guard,  
15       the Director of Customs and Border Protection, the  
16       Director of Immigration and Customs Enforcement,  
17       and the National Operations Center, and other agen-  
18       cies and offices in the Department to take full ad-  
19       vantage of the substantial range of resources in the  
20       Department that can be brought to bear in pre-  
21       paring for and responding to a natural or man-made  
22       disaster;

23           “(7) carry out the provisions of the Robert T.  
24       Stafford Disaster Relief and Emergency Assistance  
25       Act (42 U.S.C. 5121 et seq.);

1           “(8) provide funding, training, exercises, tech-  
2           nical assistance, planning, and other assistance, to  
3           build local, State, regional, and national capabilities,  
4           including communications capabilities, necessary to  
5           respond to a potential natural or man-made disaster;

6           “(9) implement an all-hazards-plus strategy for  
7           preparedness that places priority on building those  
8           common capabilities necessary to respond to both  
9           terrorist attacks and natural disasters while also  
10          building the unique capabilities necessary to respond  
11          to specific types of incidents that pose the greatest  
12          risk to our Nation; and

13          “(10) promote, plan for, and facilitate the secu-  
14          rity of critical infrastructure and key resources, in-  
15          cluding cyber infrastructure, against a natural or  
16          man-made disaster, and the post-disaster restoration  
17          of such critical infrastructure and key resources.

18          “(c) ADMINISTRATOR.—

19                 “(1) IN GENERAL.—The Administrator shall be  
20                 appointed by the President, by and with the advice  
21                 and consent of the Senate.

22                 “(2) QUALIFICATIONS.—The Administrator  
23                 shall have not less than 5 years of executive leader-  
24                 ship and management experience in the public or

1 private sector and a demonstrated ability to manage  
2 a substantial staff and budget.

3 “(3) REPORTING.—The Administrator shall re-  
4 port to the Secretary, without being required to re-  
5 port through any other official of the Department.

6 “(4) PRINCIPAL ADVISOR ON EMERGENCY PRE-  
7 PAREDNESS AND RESPONSE.—

8 “(A) IN GENERAL.—The Administrator is  
9 the principal emergency preparedness and re-  
10 sponse advisor to the President, the Homeland  
11 Security Council, and the Secretary.

12 “(B) ADVICE AND RECOMMENDATIONS.—

13 “(i) IN GENERAL.—In presenting ad-  
14 vice with respect to any matter to the  
15 President, the Homeland Security Council,  
16 or the Secretary, the Administrator shall,  
17 as the Administrator considers appro-  
18 priate, inform the President, the Homeland  
19 Security Council, or the Secretary, as the  
20 case may be, of the range of emergency  
21 mitigation, preparedness, response, and re-  
22 covery options with respect to that matter.

23 “(ii) ADVICE ON REQUEST.—The Ad-  
24 ministrator, as an emergency preparedness  
25 and response advisor, shall provide advice



1 to the President, the Homeland Security  
2 Council, or the Secretary on a particular  
3 matter when the President, the Homeland  
4 Security Council, or the Secretary requests  
5 such advice.

6 “(iii) RECOMMENDATIONS TO CON-  
7 GRESS.—After informing the Secretary,  
8 the Administrator may make such rec-  
9 ommendations to Congress relating to  
10 emergency preparedness and response as  
11 the Administrator considers appropriate.

12 “(C) RETENTION OF AUTHORITY.—Noth-  
13 ing in this paragraph shall be construed as af-  
14 fecting the authority of the Secretary under this  
15 Act.

16 **“SEC. 503. AUTHORITIES AND RESPONSIBILITIES.**

17 “(a) IN GENERAL.—The Administrator shall provide  
18 Federal leadership necessary to prepare for and respond  
19 to a natural or man-made disaster, including—

20 “(1) carrying out the mission to reduce the loss  
21 of life and property and protect the Nation from all  
22 hazards by leading and supporting the Nation in a  
23 comprehensive, risk-based emergency preparedness  
24 and response program of—

1           “(A) mitigation, by taking sustained ac-  
2           tions to reduce or eliminate long-term risk to  
3           people and property from hazards and their ef-  
4           fects;

5           “(B) preparedness, by planning, training,  
6           and building the emergency preparedness and  
7           response workforce to prepare effectively for,  
8           mitigate against, respond to, and recover from  
9           any hazard;

10          “(C) response, by conducting emergency  
11          operations to save lives and property through  
12          positioning emergency equipment, personnel,  
13          and supplies, through evacuating potential vic-  
14          tims, through providing food, water, shelter,  
15          and medical care to those in need, and through  
16          restoring critical public services;

17          “(D) recovery, by rebuilding communities  
18          so individuals, businesses, and governments can  
19          function on their own, return to normal life,  
20          and protect against future hazards; and

21          “(E) critical infrastructure protection, by  
22          establishing an inventory of, and protections  
23          for, public and private sector critical infrastruc-  
24          ture, including cyber and communications as-  
25          sets;

1           “(2) increasing efficiencies, by coordinating ef-  
2           forts relating to mitigation, preparedness, response,  
3           recovery, and infrastructure protection;

4           “(3) helping to ensure the effectiveness of emer-  
5           gency response providers in responding to a natural  
6           or man-made disaster;

7           “(4) providing the Federal Government’s re-  
8           sponse to a natural or man-made disaster, includ-  
9           ing—

10                   “(A) managing such response;

11                   “(B) directing the Domestic Emergency  
12           Support Team, the National Disaster Medical  
13           System, and (when operating as an organiza-  
14           tional unit of the Department under this title)  
15           the Nuclear Incident Response Team;

16                   “(C) overseeing the Metropolitan Medical  
17           Response System; and

18                   “(D) coordinating other Federal response  
19           resources, including requiring deployment of the  
20           Strategic National Stockpile, in the event of a  
21           natural or man-made disaster;

22           “(5) working with Federal, State, and local gov-  
23           ernment personnel, agencies, and authorities to build  
24           a comprehensive national incident management sys-  
25           tem to respond to a natural or man-made disaster;

1           “(6) with respect to the Nuclear Incident Re-  
2           sponse Team (regardless of whether it is operating  
3           as an organizational unit of the Department under  
4           this title)—

5                   “(A) establishing standards and certifying  
6                   when those standards have been met;

7                   “(B) conducting joint and other exercises  
8                   and training and evaluating performance; and

9                   “(C) providing funds to the Department of  
10                  Energy and the Environmental Protection  
11                  Agency, as appropriate, for homeland security  
12                  planning, exercises and training, and equip-  
13                  ment;

14                  “(7) helping to ensure that emergency response  
15                  providers acquire interoperable and sustainable tech-  
16                  nology;

17                  “(8) assisting the President in carrying out the  
18                  functions under the Robert T. Stafford Disaster Re-  
19                  lief and Emergency Assistance Act (42 U.S.C. 5121  
20                  et seq.);

21                  “(9) administering homeland security emer-  
22                  gency management, first responder, and other pre-  
23                  paredness grants;

1           “(10) monitoring, evaluating, and ensuring the  
2           readiness of each emergency support function under  
3           the National Response Plan;

4           “(11) coordinating with the National Advisory  
5           Council;

6           “(12) ensuring the protection of critical infra-  
7           structure by—

8                 “(A) carrying out the responsibilities under  
9                 paragraphs (2) through (6) of section 201(d);

10                “(B) helping ensure the protection and re-  
11                siliency of key resources and critical infrastruc-  
12                ture, including cyber infrastructure, against a  
13                natural or man-made disaster; and

14                “(C) planning for, assisting with, and fa-  
15                cilitating, the restoration of key resources and  
16                critical infrastructure, including cyber infra-  
17                structure, in the event of a natural or man-  
18                made disaster;

19           “(13) establishing in each Regional Office a Re-  
20           gional Advisory Council on Preparedness and Re-  
21           sponse, to advise the Regional Administrator of that  
22           Regional Office on emergency preparedness and re-  
23           sponse issues specific to the region; and

24           “(14) otherwise carrying out the mission of the  
25           Authority as described in section 502(b).

1           “(b) ADDITIONAL RESPONSIBILITIES RELATED TO  
2 CATASTROPHIC INCIDENTS.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary and other senior Department officials, shall develop a national emergency management system that is capable of responding to catastrophic incidents.

8 “(2) IDENTIFICATION OF RESOURCES.—

9                   “(A) IN GENERAL.—The Administrator  
10                   shall develop and submit to Congress annually  
11                   an estimate of the resources of the Authority  
12                   and other Federal agencies needed for and de-  
13                   voted specifically to developing local, State, and  
14                   national capabilities necessary to respond to a  
15                   catastrophic incident.

“(B) CONTENTS.—Each estimate under  
subparagraph (A) shall include the resources  
both necessary for and devoted to—

19 “(i) planning;

20 “(ii) training and exercises;

21 “(iii) Regional Office enhancements;

“(iv) staffing, including for surge capacity during a catastrophic event;

24 “(v) additional logistics capabilities;

1 “(vi) other responsibilities under the  
2 Catastrophic Incident Annex of the Na-  
3 tional Response Plan; and

4 “(vii) State and local catastrophic pre-  
5 paredness.

6 “(c) ALL-HAZARDS-PLUS APPROACH.—In carrying  
7 out this section, the Administrator shall implement an all-  
8 hazards-plus strategy that places priority on building  
9 those common capabilities necessary to prepare for, re-  
10 spond to, recover from, and mitigate the risks of terrorist  
11 attacks and natural disasters, while also building the  
12 unique capabilities necessary to prepare for, respond to,  
13 recover from, and mitigate the risks of specific types of  
14 incidents that pose the greatest risk to the Nation.

15 **“SEC. 504. AUTHORITY COMPONENTS.**

16 “There are transferred to the Authority the following:

17 “(1) The Federal Emergency Management  
18 Agency, including the functions of the Under Sec-  
19 retary for Federal Emergency Management relating  
20 thereto.

21 “(2) The Directorate of Preparedness, as con-  
22 stituted on June 1, 2006, including the functions of  
23 the Under Secretary for Emergency Preparedness  
24 relating to the Directorate, as constituted on that  
25 date.

1 **“SEC. 505. PRESERVING THE UNITED STATES EMERGENCY**  
2 **MANAGEMENT AUTHORITY.**

3 “(a) DISTINCT ENTITY.—The Authority shall be  
4 maintained as a distinct entity within the Department.

5 “(b) REORGANIZATION.—Section 872 shall not apply  
6 to the Authority, including any function or organizational  
7 unit of the Authority.

8 “(c) PROHIBITION ON CHANGES TO MISSIONS.—

9 “(1) IN GENERAL.—The Secretary may not  
10 substantially or significantly reduce the authorities,  
11 responsibilities, or functions of the Authority or the  
12 capability of the Authority to perform those respon-  
13 sibilities, except as otherwise specifically provided in  
14 an Act enacted after the date of enactment of the  
15 United States Emergency Management Authority  
16 Act of 2006.

17 “(2) CERTAIN TRANSFERS PROHIBITED.—No  
18 asset, function or mission of the Authority may be  
19 diverted to the principal and continuing use of any  
20 other organization, unit, or entity of the Depart-  
21 ment, except for details or assignments that do not  
22 reduce the capability of the Authority to perform its  
23 missions.

24 **“SEC. 506. DIRECTORS.**

25 “(a) IN GENERAL.—There shall be in the Authority  
26 a Director for Preparedness and a Director for Response



1 and Recovery, each of whom shall be appointed by the  
2 President, by and with the advice and consent of the Sen-  
3 ate, and shall report to the Administrator.

4 “(b) QUALIFICATIONS.—

5 “(1) IN GENERAL.—A Director shall have—

6 “(A) not less than 5 years of—

7 “(i) executive leadership and manage-  
8 ment experience in the public or private  
9 sector; and

10 “(ii) significant experience in crisis  
11 management or another relevant field; and

12 “(B) a demonstrated ability to manage a  
13 substantial staff and budget.

14 “(2) CONCURRENT EXPERIENCE.—Service dur-  
15 ing any period of time may be used in meeting the  
16 requirements under both clause (i) and (ii) of para-  
17 graph (1)(A).

18 “(c) INITIAL DIRECTORS.—The individual serving as  
19 the Under Secretary for Emergency Preparedness and the  
20 individual serving as the Under Secretary for the Federal  
21 Emergency Management Agency on the effective date of  
22 the United States Emergency Management Authority Act  
23 of 2006 may serve as the Director for Preparedness and  
24 the Director of Response and Recovery, respectively, until  
25 a Director for Preparedness or a Director of Response and

1 Recovery, as the case may be, is appointed under sub-  
2 section (a).

3 **“SEC. 507. REGIONAL OFFICES.**

4 “(a) IN GENERAL.—

5 “(1) REGIONAL OFFICES.—The Administrator  
6 shall establish 10 Regional Offices of the Authority.

7 “(2) ADDITIONAL OFFICE.—In additon to the  
8 Regional Offices established under paragraph (1),  
9 the Administrator may designate the Office for Na-  
10 tional Capital Region Coordination under section  
11 882 as a Regional Office.

12 “(b) MANAGEMENT OF REGIONAL OFFICES.—

13 “(1) REGIONAL ADMINISTRATOR.—Each Re-  
14 gional Office shall be headed by a Regional Adminis-  
15 trator for Preparedness and Response, who shall be  
16 appointed by the Secretary. Each Regional Adminis-  
17 trator for Emergency Preparedness and Response  
18 shall report directly to the Administrator.

19 “(2) QUALIFICATIONS.—Each Regional Office  
20 shall be headed by an individual in the Senior Exec-  
21 utive Service qualified to act as a senior Federal co-  
22 ordinating officer to provide strategic oversight of  
23 incident management when needed.

24 “(c) RESPONSIBILITIES.—

1           “(1) IN GENERAL.—The Regional Adminis-  
2           trator shall work in partnership with State and local  
3           governments, emergency managers, emergency re-  
4           sponse providers, medical providers, the private sec-  
5           tor, nongovernmental organizations, multijuris-  
6           dictional councils of governments, and regional plan-  
7           ning commissions and organizations in the geo-  
8           graphical area served by the Regional Office to carry  
9           out the responsibilities of a Regional Administrator  
10          under this section.

11          “(2) RESPONSIBILITIES.—The responsibilities  
12          of a Regional Administrator include—

13               “(A) ensuring effective, coordinated, and  
14               integrated regional preparedness, mitigation, re-  
15               sponse, and recovery activities and programs  
16               for natural and man-made disasters (including  
17               planning, training, exercises, and professional  
18               development);

19               “(B) coordinating and integrating regional  
20               preparedness, mitigation, response, and recov-  
21               ery activities and programs for natural and  
22               man-made disasters (including planning, train-  
23               ing, exercises, and professional development),  
24               which shall include—

1 “(i) providing regional and interstate  
2 planning assistance;

3 “(ii) organizing, in consultation with  
4 the Administrator, regional training and  
5 exercise programs;

6 “(iii) providing support and coordina-  
7 tion officers for State and local govern-  
8 ment training and exercises;

9 “(iv) participating in emergency pre-  
10 paredness and planning activities by State,  
11 regional, and local governments;

12 “(v) assisting in the development of  
13 regional capabilities needed for a national  
14 catastrophic response system; and

15 “(vi) helping to coordinate and de-  
16 velop interstate agreements;

17 “(C) establishing and overseeing 1 or more  
18 strike teams within the region under subsection  
19 (e), which shall serve as the focal point of the  
20 Federal Government’s initial response efforts  
21 for a natural or man-made disaster within that  
22 region, and otherwise building Federal response  
23 capabilities to respond to a natural or man-  
24 made disaster within that region;

1                   “(D) working with the private sector to as-  
2                   sess weaknesses in critical infrastructure pro-  
3                   tection in the region and to design and imple-  
4                   ment programs to address those weaknesses;

5                   “(E) coordinating all activities conducted  
6                   under this section with other Federal depart-  
7                   ments and agencies; and

8                   “(F) performing such other duties relating  
9                   to such responsibilities as the Administrator  
10                  may require.

11               “(d) AREA OFFICES.—The Administrator shall estab-  
12               lish an Area Office for the Pacific and an Area Office for  
13               the Caribbean, as components in the appropriate Regional  
14               Offices.

15               “(e) REGIONAL OFFICE STRIKE TEAMS.—

16                   “(1) ESTABLISHMENT.—In coordination with  
17                   other relevant Federal agencies, each Regional Ad-  
18                   ministrator shall establish multi-agency strike teams  
19                   that shall consist of—

20                   “(A) a designated Federal coordinating of-  
21                   ficer;

22                   “(B) personnel trained in incident manage-  
23                   ment;

24                   “(C) public affairs, response and recovery,  
25                   and communications support personnel;

1 “(D) a defense coordinating officer;

2 “(E) liaisons to other Federal agencies;

3 “(F) such other personnel as the Adminis-  
4 trator or Regional Administrator determines  
5 appropriate; and

6 “(G) individuals from the agencies with  
7 primary responsibility for each of the emer-  
8 gency support functions in the National Re-  
9 sponse Plan, including the following:

10 “(i) Transportation.

11 “(ii) Communications.

12 “(iii) Public works and engineering.

13 “(iv) Emergency management.

14 “(v) Mass care.

15 “(vi) Housing and human services.

16 “(vii) Public health and medical serv-  
17 ices.

18 “(viii) Urban search and rescue.

19 “(ix) Public safety and security.

20 “(x) External affairs.

21 “(2) LOCATION OF MEMBERS.—The members  
22 of each Regional Office strike team, including rep-  
23 resentatives from agencies other than the Depart-  
24 ment, shall be based primarily at the Regional Office  
25 that corresponds to that strike team.

1           “(3) COORDINATION.—Each Regional Office  
2           strike team shall coordinate the training and exer-  
3           cises of that strike team with the State and local  
4           governments and private sector and nongovern-  
5           mental entities which the strike team shall support  
6           when a natural or man-made disaster occurs.

7           “(4) PREPAREDNESS.—Each Regional Office  
8           strike team shall be trained, equipped, and staffed to  
9           be well prepared to respond to natural and man-  
10          made disasters, including catastrophic incidents.

11          “(5) AUTHORIZATION OF APPROPRIATIONS.—  
12          There are authorized to be appropriated such sums  
13          as necessary to carry out this subsection.

14   **“SEC. 508. NATIONAL ADVISORY COUNCIL ON EMERGENCY**  
15                   **PREPAREDNESS AND RESPONSE.**

16          “(a) ESTABLISHMENT.—Not later than 60 days after  
17          the date of enactment of the United States Emergency  
18          Management Authority Act of 2006, the Secretary shall  
19          establish an advisory body under section 871(a), to be  
20          known as the National Advisory Council on Emergency  
21          Preparedness and Response.

22          “(b) RESPONSIBILITIES.—The National Advisory  
23          Council shall advise the Administrator on all aspects of  
24          emergency preparedness and response.

25          “(c) MEMBERSHIP.—

1           “(1) IN GENERAL.—The members of the Na-  
2           tional Advisory Council shall be appointed by the  
3           Administrator, and shall, to the extent practicable,  
4           represent a geographic (including urban and rural)  
5           and substantive cross section of State and local gov-  
6           ernment officials and emergency managers, and  
7           emergency response providers, from State and local  
8           governments, the private sector, and nongovern-  
9           mental organizations, including as appropriate—

10               “(A) members selected from the emergency  
11               preparedness and response fields, including fire  
12               service, law enforcement, hazardous materials  
13               response, emergency medical services, and  
14               emergency preparedness and response per-  
15               sonnel;

16               “(B) health scientists, emergency and in-  
17               patient medical providers, and public health  
18               professionals;

19               “(C) experts representing standards set-  
20               ting organizations;

21               “(D) State and local government officials  
22               with expertise in terrorism preparedness and  
23               emergency preparedness and response;

24               “(E) elected State and local government  
25               executives;



1           “(F) experts in public and private sector  
2           infrastructure protection, cybersecurity, and  
3           communications;

4           “(G) representatives of the disabled and  
5           other special needs populations; and

6           “(H) such other individuals as the Admin-  
7           istrator determines to be appropriate.

8           “(d) APPLICABILITY OF FEDERAL ADVISORY COM-  
9           MITTEE ACT.—

10           “(1) IN GENERAL.—Notwithstanding section  
11           871(a) and subject to paragraph (2), the Federal  
12           Advisory Committee Act (5 U.S.C. App.), including  
13           subsections (a), (b), and (d) of section 10 of such  
14           Act, and section 552b(c) of title 5, United States  
15           Code, shall apply to the Advisory Council.

16           “(2) TERMINATION.—Section 14(a)(2)(B) of  
17           the Federal Advisory Committee Act (5 U.S.C.  
18           App.) shall not apply to the Advisory Council.

19           **“SEC. 509. NATIONAL INCIDENT MANAGEMENT SYSTEM IN-**  
20           **TEGRATION CENTER.**

21           “(a) IN GENERAL.—There is in the Authority a Na-  
22           tional Incident Management System Integration Center.

23           “(b) RESPONSIBILITIES.—

24           “(1) IN GENERAL.—The Administrator,  
25           through the National Incident Management System

1       Integration Center, and in consultation with other  
2       Federal departments and agencies and the National  
3       Advisory Council, shall ensure ongoing management  
4       and maintenance of the National Incident Manage-  
5       ment System, the National Response Plan, any other  
6       document or tool in support of Homeland Security  
7       Presidential Directive 5, or any other Homeland Se-  
8       curity Presidential Directive relating to incident  
9       management and response.

10       “(2) SPECIFIC RESPONSIBILITIES.—The Na-  
11       tional Incident Management System Integration  
12       Center shall—

13               “(A) periodically review, and revise, as ap-  
14               propriate, the National Incident Management  
15               System and the National Response Plan;

16               “(B) review other matters relating to the  
17               National Incident Management System and the  
18               National Response Plan, as the Administrator  
19               may require;

20               “(C) develop and implement a national  
21               program for National Incident Management  
22               System and National Response Plan education  
23               and awareness;

24               “(D) oversee all aspects of the National  
25               Incident Management System, including the de-

1           velopment of compliance criteria and implemen-  
2           tation activities at Federal, State, and local  
3           government levels;

4                 “(E) provide guidance and assistance to  
5           States and local governments and emergency  
6           response providers, in adopting the National In-  
7           cident Management System; and

8                 “(F) perform such other duties relating to  
9           such responsibilities as the Administrator may  
10          require.

11   **“SEC. 510. NATIONAL OPERATIONS CENTER.**

12          “(a) DEFINITION.—In this section, the term ‘situa-  
13   tional awareness’ means information gathered from a vari-  
14   ety of sources that, when communicated to emergency pre-  
15   paredness and response managers and decision makers,  
16   can form the basis for incident management decision-  
17   making.

18          “(b) ESTABLISHMENT.—There is established in the  
19   Department a National Operations Center.

20          “(c) PURPOSE.—The purposes of the National Oper-  
21   ations Center are to—

22                 “(1) coordinate the national response to any  
23   natural or man-made disaster, as determined by the  
24   Secretary;

1           “(2) provide situational awareness and a com-  
2           mon operating picture for the entire Federal Govern-  
3           ment, and for State and local governments as appro-  
4           priate, for an event described in paragraph (1);

5           “(3) collect and analyze information to help  
6           deter, detect, and prevent terrorist acts;

7           “(4) disseminate terrorism and disaster-related  
8           information to Federal, State, and local govern-  
9           ments;

10          “(5) ensure that critical terrorism and disaster-  
11          related information reaches government decision-  
12          makers; and

13          “(6) perform such other duties as the Secretary  
14          may require.

15          “(d) RESPONSIBILITIES.—The National Operations  
16          Center shall carry out the responsibilities of the Homeland  
17          Security Operations Center, the National Response Co-  
18          ordination Center, and the Interagency Incident Manage-  
19          ment Group, as constituted on the date of enactment of  
20          the United States Emergency Management Authority Act  
21          of 2006.

22          **“SEC. 511. CHIEF MEDICAL OFFICER.**

23          “(a) IN GENERAL.—There is in the Authority a Chief  
24          Medical Officer, who shall be appointed by the President,  
25          by and with the advice and consent of the Senate. The

1 Chief Medical Officer shall report directly to the Adminis-  
2 trator.

3 “(b) QUALIFICATIONS.—The individual appointed as  
4 Chief Medical Officer shall possess a demonstrated ability  
5 in and knowledge of medicine and public health.

6 “(c) RESPONSIBILITIES.—The Chief Medical Officer  
7 shall have the primary responsibility within the Depart-  
8 ment for medical issues related to natural and man-made  
9 disasters, including—

10 “(1) serving as the principal advisor to the Sec-  
11 retary and the Administrator on medical and public  
12 health issues;

13 “(2) coordinating the biosurveillance and detec-  
14 tion activities of the Department;

15 “(3) ensuring internal and external coordina-  
16 tion of all medical preparedness and response activi-  
17 ties of the Department, including training, exercises,  
18 and equipment support;

19 “(4) serving as the Department’s primary point  
20 of contact with the Department of Agriculture, the  
21 Department of Defense, the Department of Health  
22 and Human Services, the Department of Transpor-  
23 tation, the Department of Veterans Affairs, and  
24 other Federal departments or agencies, on medical  
25 and public health issues;

1           “(5) serving as the Department’s primary point  
2           of contact for State and local government, the med-  
3           ical community, and others within and outside the  
4           Department, with respect to medical and public  
5           health matters;

6           “(6) discharging, in coordination with the  
7           Under Secretary for Science and Technology, the re-  
8           sponsibilities of the Department related to Project  
9           Bioshield;

10          “(7) establishing doctrine and priorities for the  
11          National Disaster Medical System, consistent with  
12          the National Response Plan and the National Inci-  
13          dent Management System, supervising its medical  
14          components, and exercising predeployment oper-  
15          ational control, including—

16               “(A) determining composition of the  
17               teams;

18               “(B) overseeing credentialing of the teams;

19               and

20               “(C) training personnel of the teams;

21          “(8) establishing doctrine and priorities for the  
22          Metropolitan Medical Response System, consistent  
23          with the National Response Plan and the National  
24          Incident Management System;

1           “(9) managing the Metropolitan Medical Re-  
2           sponse System, including developing and overseeing  
3           standards, plans, training, and exercises and coordi-  
4           nating with the Office of Grants and Training on  
5           the use and distribution of Metropolitan Medical Re-  
6           sponse grants;

7           “(10) assessing and monitoring long-term  
8           health issues of emergency managers and emergency  
9           response providers;

10          “(11) developing and updating, in consultation  
11          with the Secretary of Health and Human Services,  
12          guidelines for State and local governments for med-  
13          ical response plans for chemical, biological, radio-  
14          logical, nuclear, or explosive weapon attacks;

15          “(12) developing, in consultation with the Sec-  
16          retary of Health and Human Services, appropriate  
17          patient tracking capabilities to execute domestic pa-  
18          tient movement and evacuations, including a system  
19          that has the capacity of electronically maintaining  
20          and transmitting the health information of hospital  
21          patients;

22          “(13) establishing and providing oversight for  
23          the Department’s occupational health and safety  
24          program, including workforce health; and

1           “(14) performing such other duties relating to  
2           such responsibilities as the Secretary or the Admin-  
3           istrator may require.

4           “(d) LONG-TERM HEALTH ASSESSMENT PRO-  
5   GRAM.—The Chief Medical Officer, in consultation with  
6   the Director of the National Institute for Occupational  
7   Safety and Health, shall establish a program to assess,  
8   monitor, and study the health and safety of emergency  
9   managers and emergency response providers, following In-  
10   cidents of National Significance declared by the Secretary  
11   under the National Response Plan.

12   **“SEC. 512. PUBLIC AND COMMUNITY PREPAREDNESS.**

13           “The Administrator shall promote public and commu-  
14   nity preparedness.

15   **“SEC. 513. SAVER PROGRAM.**

16           “(a) IN GENERAL.—In the Department there is a  
17   System Assessment and Validation for Emergency Re-  
18   sponders Program to provide impartial evaluations of  
19   emergency response equipment and systems.

20           “(b) REQUIREMENTS.—The program established  
21   under subsection (a) shall—

22           “(1) provide impartial, practitioner relevant,  
23           and operationally oriented assessments and valida-  
24           tions of emergency response provider equipment and  
25           systems that have not already been third-party cer-



1       tified to a standard adopted by the Department, in-  
2       cluding—

3               “(A) commercial, off-the-shelf emergency  
4       response provider equipment and systems in all  
5       equipment list categories of the Standardized  
6       Equipment List published by the Interagency  
7       Board for Equipment Standardization and  
8       Interoperability; and

9               “(B) such other equipment or systems as  
10      the Secretary determines are appropriate;

11              “(2) provide information that enables decision-  
12      makers and emergency response providers to better  
13      select, procure, use, and maintain emergency re-  
14      sponse provider equipment or systems;

15              “(3) assess and validate the performance of  
16      products within a system and subsystems; and

17              “(4) provide information and feedback to emer-  
18      gency response providers through the Responder  
19      Knowledge Base of the National Memorial Institute  
20      for the Prevention of Terrorism, or other appro-  
21      priate forum.

22              “(c) ASSESSMENT AND VALIDATION PROCESS.—The  
23      assessment and validation of emergency response provider  
24      equipment and systems shall use multiple evaluation tech-  
25      niques, including—

1           “(1) operational assessments of equipment per-  
2           formance on vehicle platforms;

3           “(2) technical assessments on a comparative  
4           basis of system component performance across  
5           makes and models under controlled conditions; and

6           “(3) integrative assessments on an individual  
7           basis of system component interoperability and com-  
8           patibility with other system components.

9           “(d) PERSONAL PROTECTIVE EQUIPMENT.—To the  
10          extent practical, the assessment and validation of personal  
11          protective equipment under this section shall be conducted  
12          by the National Personal Protective Technology Labora-  
13          tory of the National Institute for Occupational Safety and  
14          Health.

15       **“SEC. 514. NATIONAL SEARCH AND RESCUE RESPONSE SYS-**  
16               **TEM.**

17           “(a) NATIONAL SEARCH AND RESCUE RESPONSE  
18          SYSTEM.—There is established in the Authority an emer-  
19          gency response system known as the National Search and  
20          Rescue Response System that provides a national network  
21          of standardized search and rescue resources to assist State  
22          and local governments in responding to any natural or  
23          man-made disaster.

24           “(b) ADMINISTRATION OF THE SYSTEM.—

1           “(1) TASK FORCE PARTICIPATION.—The Ad-  
2           ministrators shall select eligible search and rescue  
3           teams that are sponsored by State and local govern-  
4           ment entities to participate as task forces in the Na-  
5           tional Search and Rescue Response System. The Ad-  
6           ministrators shall determine the criteria for such par-  
7           ticipation.

8           “(2) AGREEMENTS WITH SPONSORING AGEN-  
9           CIES.—The Administrator shall enter into an agree-  
10          ment with the State or local government entity that  
11          sponsors each search and rescue team selected under  
12          paragraph (1) with respect to the team’s participation  
13          as a task force in the National Search and Rescue  
14          Response System.

15          “(3) MANAGEMENT AND TECHNICAL TEAMS.—  
16          The Administrator shall maintain such management  
17          and other technical teams as are necessary to ad-  
18          minister the National Search and Rescue Response  
19          System.

20   **“SEC. 515. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

21          “(a) IN GENERAL.—There is in the Authority a Met-  
22          ropolitan Medical Response System. Under the Metropoli-  
23          tan Medical Response System, the Assistant Secretary for  
24          Grants and Planning, in coordination with the Chief Med-  
25          ical Officer, shall administer grants to develop, maintain,

1 and enhance medical preparedness systems that are capa-  
2 ble of responding effectively to a public health crisis or  
3 mass-casualty event caused by a natural or man-made dis-  
4 aster.

5 “(b) USE OF FUNDS.—The Metropolitan Medical Re-  
6 sponse System shall make grants to local governments to  
7 enhance any of the following activities:

8 “(1) Medical surge capacity.

9 “(2) Mass prophylaxis.

10 “(3) Chemical, biological, radiological, nuclear,  
11 and explosive detection, response, and decontamina-  
12 tion capabilities.

13 “(4) Emergency communications capabilities.

14 “(5) Information sharing and collaboration ca-  
15 pabilities.

16 “(6) Regional collaboration.

17 “(7) Triage and pre-hospital treatment.

18 “(8) Medical supply management and distribu-  
19 tion.

20 “(9) Fatality management.

21 “(10) Such other activities as the Secretary  
22 may provide.

1 **“SEC. 516. EMERGENCY MANAGEMENT ASSISTANCE COM-**  
2 **PACT AUTHORIZATION.**

3 “(a) IN GENERAL.—The Secretary, acting through  
4 the Administrator, may make grants for the purposes of  
5 administering and improving the Emergency Management  
6 Assistance Compact consented to by the Joint Resolution  
7 entitled ‘Joint Resolution granting the consent of Con-  
8 gress to the Emergency Management Assistance Compact’  
9 (Public Law 104–321; 110 Stat. 3877).

10 “(b) USES.—A grant under this section shall be used  
11 to—

12 “(1) carry out recommendations identified in  
13 after-action reports for the 2004 and 2005 hurricane  
14 season issued under the Emergency Management  
15 Assistance Compact;

16 “(2) coordinate with the Department and other  
17 Federal Government agencies;

18 “(3) coordinate with State and local govern-  
19 ment entities and their respective national associa-  
20 tions;

21 “(4) assist State and local governments with  
22 credentialing emergency response providers and the  
23 typing of emergency response resources; or

24 “(5) administer the operations of the Emer-  
25 gency Management Assistance Compact.

1       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Secretary to carry  
3 out this section \$4,000,000 for each of fiscal years 2007  
4 through 2010. Amounts appropriated under this section  
5 shall remain available for 3 fiscal years after the date on  
6 which such funds are appropriated.

7       **“SEC. 517. OFFICE FOR THE PREVENTION OF TERRORISM.**

8       “(a) ESTABLISHMENT.—There is established in the  
9 Department an Office for the Prevention of Terrorism,  
10 which shall be headed by a Director.

11       “(b) DIRECTOR.—

12               “(1) REPORTING.—The Director of the Office  
13 for the Prevention of Terrorism shall report directly  
14 to the Secretary.

15               “(2) QUALIFICATIONS.—The Director of the  
16 Office for the Prevention of Terrorism shall have an  
17 appropriate background with experience in law en-  
18 forcement, intelligence, or other anti-terrorist func-  
19 tions.

20       “(c) ASSIGNMENT OF PERSONNEL.—

21               “(1) IN GENERAL.—The Secretary shall assign  
22 to the Office for the Prevention of Terrorism perma-  
23 nent staff and other appropriate personnel detailed  
24 from other components of the Department to carry  
25 out the responsibilities under this section.

1           “(2) LIAISONS.—The Secretary shall designate  
2           senior employees from each component of the De-  
3           partment that has significant antiterrorism respon-  
4           sibilities to act a liaison between that component  
5           and the Office for the Prevention of Terrorism.

6           “(d) RESPONSIBILITIES.—The Director of the Office  
7           for the Prevention of Terrorism shall—

8           “(1) coordinate policy and operations between  
9           the Department and State and local government  
10          agencies relating to preventing acts of terrorism  
11          within the United States;

12          “(2) serve as a liaison between State and local  
13          law enforcement agencies and the Department;

14          “(3) in coordination with the Office of Intel-  
15          ligence, develop better methods for the sharing of in-  
16          telligence with State and local law enforcement  
17          agencies;

18          “(4) coordinate with the Office of Grants and  
19          Training to ensure that homeland security grants to  
20          State and local government agencies are adequately  
21          focused on terrorism prevention activities; and

22          “(5) coordinate with the Authority, the Depart-  
23          ment of Justice, the National Institute of Justice,  
24          law enforcement organizations, and other appro-  
25          priate entities to develop national voluntary con-

1       sensus standards for training and personal protec-  
2       tive equipment to be used in a tactical environment  
3       by law enforcement officers.

4       “(e) PILOT PROJECT.—

5               “(1) IN GENERAL.—The Director of the Office  
6       for the Prevention of Terrorism, in coordination with  
7       the Director for Response, shall establish a pilot  
8       project to determine the efficacy and feasibility of  
9       establishing law enforcement deployment teams.

10              “(2) FUNCTION.—The law enforcement deploy-  
11       ment teams participating in the pilot program under  
12       this subsection shall form the basis of a national  
13       network of standardized law enforcement resources  
14       to assist State and local governments in responding  
15       to a natural or man-made disaster.

16       “(f) CONSTRUCTION.—Nothing in this section may be  
17       construed to effect the roles or responsibilities of the De-  
18       partment of Justice.

19       **“SEC. 518. DEPARTMENT OFFICIALS.**

20              “(a)     CYBERSECURITY     AND     TELECOMMUNI-  
21       CATIONS.—There is in the Department an Assistant Sec-  
22       retary for Cybersecurity and Telecommunications.

23              “(b) UNITED STATES FIRE ADMINISTRATION.—The  
24       Administrator of the United States Fire Administration



1 shall have a rank equivalent to an assistant secretary of  
2 the Department.”.

3 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums  
5 as are necessary to carry out this Act and the amendments  
6 made by this Act.

7 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

8 (a) EXECUTIVE SCHEDULE.—

9 (1) ADMINISTRATOR.—Section 5313 of title 5,  
10 United States Code, is amended by adding at the  
11 end the following:

12 “Administrator of the United States Emergency  
13 Management Authority.”.

14 (2) DIRECTORS.—Section 5314 of title 5,  
15 United States Code, is amended by adding at the  
16 end the following:

17 “Directors, United States Emergency Manage-  
18 ment Authority.”.

19 (3) FEMA OFFICERS.—

20 (A) FEDERAL INSURANCE ADMINIS-  
21 TRATOR.—Section 5315 of title 5, United  
22 States Code, is amended by striking “Federal  
23 Insurance Administrator, Federal Emergency  
24 Management Agency.”.

1 (B) INSPECTOR GENERAL.—Section 5315  
2 of title 5, United States Code, is amended by  
3 striking “Inspector General, Federal Emer-  
4 gency Management Agency.”.

5 (C) CHIEF INFORMATION OFFICER.—Sec-  
6 tion 5315 of title 5, United States Code, is  
7 amended by striking “Chief Information Offi-  
8 cer, Federal Emergency Management Agency.”.

9 (b) OFFICERS OF THE DEPARTMENT.—Section  
10 103(a) of the Homeland Security Act of 2002 (6 U.S.C.  
11 113(a)) is amended—

12 (1) by striking paragraph (5) and inserting the  
13 following:

14 “(5) An Administrator of the United States  
15 Emergency Management Authority.”;

16 (2) by striking paragraph (2); and

17 (3) by redesignating paragraphs (3) through  
18 (10) (as amended by this subsection) as paragraphs  
19 (2) through (9), respectively.

20 (c) TABLE OF CONTENTS.—The table of contents in  
21 section 1(b) of the Homeland Security Act of 2002 (6  
22 U.S.C. 101 et seq.) is amended by striking the items relat-  
23 ing to title V and sections 501 through 509 and inserting  
24 the following:

“TITLE V—NATIONAL PREPAREDNESS AND RESPONSE

“Sec. 501. Definitions.

- “Sec. 502. United States Emergency Management Authority.
- “Sec. 503. Authorities and responsibilities.
- “Sec. 504. Authority components.
- “Sec. 505. Preserving the United States Emergency Management Authority.
- “Sec. 506. Directors.
- “Sec. 507. Regional Offices.
- “Sec. 508. National Advisory Council on Emergency Preparedness and Response.
- “Sec. 509. National Incident Management System Integration Center.
- “Sec. 510. National Operations Center.
- “Sec. 511. Chief Medical Officer.
- “Sec. 512. Public and community preparedness.
- “Sec. 513. SAVER Program.
- “Sec. 514. National Search and Rescue Response System.
- “Sec. 515. Metropolitan Medical Response System.
- “Sec. 516. Emergency Management Assistance Compact authorization.
- “Sec. 517. Office for the Prevention of Terrorism Coordination.
- “Sec. 518. Department officials.
- “Sec. 519. Nuclear incident response.
- “Sec. 520. Conduct of certain public health-related activities.
- “Sec. 521. Use of national private sector networks in emergency response.
- “Sec. 522. Use of commercially available technology, goods, and services.
- “Sec. 523. Procurement of security countermeasures for strategic national stockpile.
- “Sec. 524. Urban and other high risk area communications capabilities.”.

**1 SEC. 5. EFFECTIVE DATE.**

- 2** This Act, and the amendments made by this Act,
- 3** shall take effect on January 1, 2007.